

REMARKS

In the Office Action, all pending claims have been made subject to a provisional double patenting rejection. In response, Applicant will respond should the rejection be made in a nonprovisional way.

In the Office Action all claims have been rejected based on 35 U.S.C. Sec. 102(e). The Examiner contends that the claims are anticipated by Grimm.

In response, Applicant maintains to the contrary as set out in the prior Response, but Grimm has not been shown to be "prior" art in view of the enclosed Declarations of John Bretscher and the Declaration of John Rauch.

With respect to the present application, the Applicant hereby rescinds any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer, if any, and the prior art that it was made to avoid, may need to be revisited. Nor should a disclaimer, if any, in the present application be read back into any predecessor or related application.

In sum, it is respectfully submitted that the claims have not been shown to be prima facie unpatentable over the cited art, and the application is believed to be in condition for allowance. Favorable action is respectfully requested. The Examiner is invited to contact the undersigned at the telephone number set out below if it can in any way expedite or facilitate issuance of a patent on the application.

APPLICANT CLAIMS LARGE ENTITY STATUS. The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application, or credit any overcharges to Deposit Account No. 50-0235, and if any extension of time is needed to reply to said Office Action, this shall be deemed a petition therefore.

Please direct all communication to the undersigned at the address given below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'PK Trzyna', followed by a horizontal line.

Date: November 14, 2008

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